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Mail Stop Petitions

USPTO

703-872-9306

Art Unit: 1648

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
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Diane Payne

Patent Department

302-934-4305

USSN: 09/839,796

Customer No.: 31846

Attorney Reference No.: I-2000.552 US

Please accept the documents which follow in the above-identified application:

Petition for Revival of Application for Patent Abandoned Unintentionally of 10/08/2004 (4 pages)

Petition to Withdraw Holding of Abandonment of December 5, 2003 (3 pages)

Copy of Issue Fee Transmittal of September 12, 2004 faxed on 12/05/2004 (1 page)

Copy of Fax History Report of September 12, 2004 faxed on 12/05/2004 (1 page)

Copy of Cover Sheet of December 5, 2003 (1 page)

Copy of Fax History Report of December 5, 2004 (1 page)

Copy of Issue Fee Transmittal of September 12, 2004 (1 page)

Copy of Fax History Report of September 12, 2004 (1 page)

Intervet

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN PROPRIETARY INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE ADDRESSEE, YOU ARE HEREDY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT). THANK YOU.

Telefax Transmittal
Cover sheet



Intervet Inc.
405 State Street
P.O. Box 318
Millsboro, DE 19966
(302) 934-8051

December 5, 2003

6...pages including cover sheet.

PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
Examiner S. Foley	Group Art Unit 1648	703 872 9306

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
Mark W. Milstead	Intervet, Millsboro Patent Department	302 934 4305

RE: USSN 09/839796

Docket Number 2000.552 US

Please accept the documents that follow in the above-identified application:

Petition to Withdraw Holding of Abandonment (3 pages)

Copy of Issue Fee Transmittal from 9/12/2003 (1 page)

Copy of Fax Receipt from 9/12/2003 (1 page)

 Intervet

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#26
Let. to Review
P.2-14
11/30/04

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

BY: Dianna PayneDate: 10-08-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
THIEL et al.

Serial No.: 09/839,796 Group: 1648
Filed: April 9, 2001 Examiner: S. Foley
For: PESTIVIRUS MUTANTS AND VACCINES CONTAINING THE
SAME

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)

Attention: Office of Petitions
Mail Stop Petitions
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

October 8, 2004

Sir:

In response to the Notice of Abandonment of November 21, 2003 and the telephone communication of October 4, 2004 with Examiner Foley, Applicants respectfully submit the following requests and remarks.

The above-identified application became abandoned for failure to pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. The date of abandonment is the day after the expiration date of the period set for payment, September 13, 2003.

Attorney Docket NO. I/2000.552 US

APPLICANTS HEREBY PETIONS FOR REVIVAL OF THIS APPLICATION

A grantable petition requires the following items:

- (1) Petition Fee;
- (2) Issue Fee;
- (3) Terminal Disclaimer with disclaimer fee, if application filed before June 8, 1995.
- (4) Statoment that the entire delay was unintentional.

(1) Petition Fee

Please charge the petition fee of \$1370 to Deposit Account NO. 02-2334 as pursuant to 37 C.F.R. \$1.17(m).

(2) Issue Fee

Please charge the issue fee of \$1370 to Deposit Account NO. 02-2334 as required by the USPTO. Applicants have attached an Issue Fee Transmittal filed September 12, 2003 containing al relevant information.

(3) Terminal disclaimer

The above-identified application was filed after June 8, 1995; therefore, no Terminal Disclaimer with Disclaimer fee is required.

(4) Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable

Attorney Docket NO. I/2000.552 US

petition under 37 C.F.R. §1.137(b) was unintentional.

Applicants respectfully assert that Applicants attempted to timely pay the Issue Fee on September 12, 2003. This action is evidenced by the enclosed Issue Fee Transmittal with Certificate of Transmission dated September 12, 2003 and the fax receipt showing the successful transmission of the Issue Fee Transmittal on September 12, 2003.

Applicants after receiving the Notice of Abandonment mailed November 11, 2003 filed by facsimile a Petition to Withdraw Holding of Abandonment Under 37 C.F.R. §1.181(a) on December 5, 2003. Applicants have attached the Petition with the fax receipt showing the successful transmission of the Petition.

While reviewing the Patent Department files, Applicants determined that the USPTO has not responded to the Petition as of September 24, 2004. Applicants then called Examiner Foley to inquire as to the status of the application. In a conversation of October 4, 2004, Examiner Foley stated that the Palm System indicated the application abandoned and had no indication that the petition was present in the file. Examiner Foley also noted that the PAIR system indicated that an ISSUE FEE transmittal was filed September 12, 2003.

Applicants' representative reviewed the Issue Fee transmittal and discovered for the first time that the Deposit Account No. had been unintentionally left off the Issue Fee transmittal; thus, Applicants had unintentionally failed to pay the Issue Fee.

Applicants were diligent in responding to the Notice

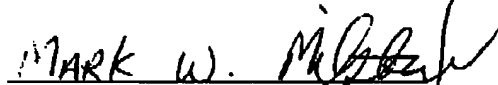
Attorney Docket NO. I/2000.552 US

Abandonment by filing a Petition on December 5, 2003. The actual clerical error on the Transmittal fee was not discovered until October 4, 2004. Applicants upon this knowledge are filing the instant Petition to Revive for Unintentional Abandonment.

Conclusion

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2334 for any additional fees required under 37 C.F.R. \$1.16 or under 37 C.F.R. \$1.17; particularly extension of time fees.

Respectfully submitted,


Mark W. Milstead
Patent Counsel
Registration No. 45,825

Akzo Nobel Pharma
Patent Department
P.O. Box 318
Millsboro, DE 19966
Tel: (302) 934-4395
Fax: (302) 934-4305

Enclosure:

Petition for Revival of Application for Patent Abandoned
Unintentionally of 10/08/2004 (4 pages)
Petition to Withdraw Holding of Abandonment of December 5, 2003 (3
pages)
Copy of Issue Fee Transmittal of September 12, 2004 faxed on
12/05/2004 (1 page)
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12/05/2004 (1 page)
Copy of Cover Sheet of December 5, 2003 (1 page)
Copy of Fax History Report of December 5, 2004 (1 page)
Copy of Issue Fee Transmittal of September 12, 2004 (1 page)
Copy of Fax History Report of September 12, 2004 (1 page)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

BY: KASDate: 12/5/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
THIEL et al.

Serial No.: 09/839,796

Group: 1648

Filed: April 9, 2001

Examiner: S. Foley

For: PESTIVIRUS MUTANTS AND VACCINES CONTAINING THE
SAME

Petition to Withdraw Holding of Abandonment
Under 37 CFR § 1.181(a)

Commissioner for Patents
Mail Stop Issue Fee
Alexandria, VA 22313

December 5, 2003

Sir:

In response to the Notice of Abandonment of November 21, 2003, Applicants respectfully submit the following requests and remarks.

Timely Paid Issue Fee

Applicants respectfully assert that the Issue Fee was timely paid as evidenced by the enclosed Issue Fee Transmittal with Certificate of Transmission dated September 12, 2003 and the fax

Attorney Docket NO. I/2000.552 US

receipt showing the successful transmission of the Issue Fee Transmittal on September 12, 2003.

Applicants have filed this petition under 37 C.F.R. §1.81 within 2 months of the mail date of the Notice of Abandonment. Applicants evidence conforms to 37 C.F.R. §1.8(b) certificate of mailing.

Patent Term Extension

Applicants respectfully request the recalculation of the patent term in light of the delay due to the improper Notice of Abandonment.

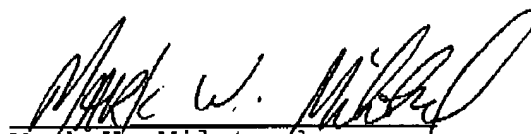
Conclusion

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2334 for any additional

Attorney Docket NO. I/2000.552 US

fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17;
particularly extension of time fees.

Respectfully submitted,



Mark W. Milstead
Patent Counsel
Registration No. 45,825

Attorney Docket NO. I/2000.552 US

Akzo Nobel Pharma
Patent Department
105 State Street
P.O. Box 318
Millsboro, DE 19966
Tel: (302) 934-4395
Fax: (302) 934-4305

Enclosure:

Copy of Issue Fee Transmittal of 9/12/2003
Copy of Fax Confirmation Receipt of 9/12/2003

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
 Commissioner for Patents
 Alexandria, Virginia 22313-1450
Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, Advance Order and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections of use Block 1)

7390

06/13/2003

WILLIAM M. BLACKSTONE
 PATENT DEPARTMENT
 INTERVET INC.
 405 STATE STREET
 MILLSBORO, DE 19966

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

MARK W. MILSTEAD	(Depositor's name)
<i>Mark W. Milstead</i>	(Signature)
September 17, 2003	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/839,796

04/19/2001

Heinz-Juergen H.J. Thiel

2000-552 US

2897

TITLE OF INVENTION: PESTIVIRUS MUTANTS AND VACCINES CONTAINING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

NO

\$1300

\$300

\$1600

09/15/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
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FOLEY, SHANON A

1648

424-218100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. MARK W. MILSTEAD
 2. WILLIAM M. BLACKSTONE
 3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

AKZO Nobel NV

The Netherlands

Please check the appropriate assignee category or categories (will not be printed on the patent)

☐ individual ☒ Corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee☐ Publication Fee☐ Advance Order - # of Copies 10

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment to Deposit Account Number (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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PTOL-85 (REV. 05-03) Approved for use through 04/30/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

HP OfficeJet T Series
Personal Printer/Fax/Copier/Scanner

Fax History Report for
Intervet Inc.
934 4305
Sep 12 2003 10:06am

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Sep 12	10:05am	Sent	917037464000	0:53	1	OK

Result:

OK - black and white fax
OK color - color fax

HP OfficeJet T Series
Personal Printer/Fax/Copier/Scanner

Fax History Report for
Intervet Inc.
934 4305
Dec 05 2003 2:18pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Dec 5	2:16pm	Sent	917038729306	1:51	6	OK

Result:

OK - black and white fax
OK color - color fax

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
Commissioner for Patents
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Fax (703) 746-4000

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7590 06/12/2003

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PATENT DEPARTMENT
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MILLSBORO, DE 19966

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MARK W. MILSTEAD (Depositor's name)
Mark W. Milstead (Signature)
September 17, 2003 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/39,796	04/19/2001	Heinz-Jürgen H.J. Thiel	2000.552 US	2897

TITLE OF INVENTION: PESTIVIRUS MUTANTS AND VACCINES CONTAINING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$300	\$1600	09/15/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
FOLEY, SHANON A	1648	424-218100

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1. **Mark W. Milstead**
 2. **William M. Blackstone**
 3. _____

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The Netherlands

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☒ Publication Fee

☒ Advance Order - # of Copies **10**

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(Authorized Signature)

(Date)

Mark W. Milstead **September 12, 2003**

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fax History Report for
Intervet Inc.
934 4305
Sep 12 2003 10:06am

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<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Sep 12	10:05am	Sent	917037464000	0:53	1	OK

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OK - black and white fax
OK color - color fax